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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,165	02/24/2006	God Ralf	MUHL-1-1004	8552
25315 7590 07/12/2007 BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			EXAMINER VO, TUYEN KIM	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/569,165		RALF, GOD	
	Examiner		Art Unit	
	Tuyen Kim Vo		2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/04/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Specification

2. The disclosure is objected to because there is no headings as specify in 37 CFR 1.77(b).

Appropriate correction is required.

Claim Objections

3. Claim 11 is objected to because of the following informalities:

Re claim 11, the recitation of "the transport strip" in line 2 is suggested to change to - - the carrier strip - - so that it can be consistent with the limitation as recited in claim

1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 4-6, the phrase "strip-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "strip-like"), thereby rendering the scope of the claim(s) unascertainable.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 10 and 11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7-9, 12, 13 and 16 of copending Application No. 10/569,759. Although the conflicting claims are

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not identical, they are not patentably distinct from each other because of the variations of wording and the claims 1-4, 7-9, 12, 13 and 16 of copending Application No.

10/569,759 cover and encompass the limitations of claims 1-8, 10 and 11 of the instant application. The apparatus of claims 1-8, 10 and 11 of the instant application perform the process of claims 1-4, 7-9, 12, 13 and 16 of copending application No. 10/569,759.

For example, claim 1 of the instant application recites a module bridge system for smart labels for positioning chip modules (5) on carriers (12) and for the bridging connection of connection elements of the chip modules (5) to connection elements (11a, 11b) of antenna elements (11) arranged on or in the carriers (12), the module bridge system comprising: a carrier strip; and a plurality of module bridges (10) are arranged one behind the other on the carrier strip (1), wherein the carrier strip (1) has a plurality of depressions (2) arranged one behind the other for respectively receiving a chip module (5) assigned to a module bridge (10) and printed contact layers (7a, 7b), which cover the connection elements of the chip modules (5), with increased dimensions compared to the dimensions of the connection elements.

Claim 1 of copending application recites method for producing module bridges (29) for smart labels for positioning chip modules (25) on carriers (31) and for the bridging, conductive connection of connection elements of the chip modules (25) to connection elements (30a, 30b) of antenna elements (30) arranged on or in the carriers (31), the method comprising: forming (2) depressions (22) arranged one behind the other within a carrier strip (21) which can be moved in the longitudinal direction; positioning (4) a respective chip module (25) in each depression (22) with connection

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elements pointing upwards; and printing (8) strip-like contact layers (27a, 27b) to the connection elements of the chip modules (25) and a surface of the carrier strip (21) next to the depressions (22), so as to form enlarged contact areas.

The method steps of copending application, such as forming, positioning and printing, covers the carrier strip, the arrangement of plurality of module bridges and printed contact layers, respectively of the instant application.

Similar rationales are applied between the dependent claims of the two applications. For example, claim 2 of copending application covers the limitation of claim 2 of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3 and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Plettner (US 2003/0140487 A1).

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Re claim 1, Plettner, as shown in figures 1, 2 and 3, teaches a method for manufacture a carrier strip comprising:

a carrier strip (carrier tape 11, figure 1); and

a plurality of module bridges (electrical units 17) are arranged one behind the other on the carrier strip (figure 3b), wherein the carrier strip has a plurality of depressions (recesses 14, figure 1) arranged one behind the other for respectively receiving a chip module (chip 7) assigned to a module bridge (figure 2b) and printed contact layers (see [0032]), which cover the connection elements of the chip modules, with increased dimensions compared to the dimensions of the connection elements. See [0028]-[0029] and [0032].

Re claim 3, Plettner further teaches the printed contact layers are designed to be self-adhesive. See [0043].

Re claim 7, Plettner further teaches the chip modules are arranged within the depression by means of adhesive. See [0029].

Re claim 8, Plettner further teaches the depressions have a sufficient depth for arranging the chip modules therein in such a way that their upper sides and a surface of the carrier strip which surrounds the depressions lie in one plane. See figure 4 and [0041].

Re claim 9, Plettner further teaches the depressions are shape to be complementary to outer shapes of the chip modules to be received therein. See and figure 4 and [0041].

Re claim 10, Plettner further teaches the depressions in each case have at least one hole on the underside. See figure 4 and [0041].

Re claim 11, Plettner further teaches the transport strip has rows of holes (perforations 13) at the edge for the engagement of transport elements. See figure 1 and [0028].

Re claim 12, Plettner further teaches the carrier strip is made of at least one of a deformable plastic and paper material. See [0030].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plettner (US 2003/0140487 A1) in view of Brugger et al. (Brugger) (US 2005/0181530 A1).

Re claim 4, Plettner teach all subject matter as claim above (see section 8), except for the printed layers consist of a first strip-like contact layer which extend in a longitudinal direction of the carrier strip and covers first connection elements of first connection sides of the chip modules, and of a second strip-like contact layer which extends in the longitudinal direction of the carrier strip and covers second connection elements of second connection sides of the chip module.

Brugger, as shown in figure 5, teaches transponder 1 (a module bridge) wherein a transponder IC 2 comprising a first strip-like contact layer (IC contact 7) which extend in a longitudinal direction of the carrier strip and covers first connection elements of first connection sides of the chip modules, and of a second strip-like contact layer (IC contact 8) which extends in the longitudinal direction of the carrier strip and covers second connection elements of second connection sides of the chip module. See [0025] and the abstract.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the module bridge of Plettner by employing the contact layers with a corresponding strip as taught by Brugger so that plurality of communication connection can be achieved. Furthermore, such employment of the contact layers would simplify the manufacture process. See [0003], [0007] and [0008] of Brugger.

Re claim 5, both Plettner and Brugger disclose everything as claim above. In addition, Brugger further teaches the first and second strip-like contact layers have interruption (cutting zones 16, figure 4) between the chip modules (transponder 1), the interruption extending in the width direction of the carrier strip. See [0028] and [0029].

It would have been obvious to ordinary skill in the art at the time the invention was made to employ the module bridges of Plettner by providing the cutting zone (interruption) between the module bridges as taught by Brugger so that the difference sizes of the module bridges can be simply achieved in the manufacturing process. See para. [0008] of Brugger.

Allowable Subject Matter

11. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is an examiner's statement of reasons for allowance:

Re claim 2, The prior art of record, taken alone or in combination, fails to teach or suggest the arrangement of the module bridge system and especially, a adhesive layers applied to the printed contact layers for adhesively attaching individual module bridges to the carrier in the region of the connection elements of the antenna elements as recited in claim 2 and further limitations of its dependent claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rigal et al (US 5,877,544 and Finn et al. (US 6,288,443 B1) all disclose chip module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Kim Vo whose telephone number is 571-270-

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1657. The examiner can normally be reached on Monday - Friday, 7:30a.m. - 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

frv.
Tuyen Kim Vo
Patent Examiner
Art Unit 2876
July 5, 2007.


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